



WORLD CUSTOMS ORGANIZATION
ORGANISATION MONDIALE DES DOUANES

Established in 1952 as the Customs Co-operation Council
Créée en 1952 sous le nom de Conseil de coopération douanière

HARMONIZED SYSTEM
REVIEW SUB-COMMITTEE

-
19th Session
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NR0025E1
(+ Annex)
O. Fr.

H2-1

Brussels, 10 February 1999.

AMENDMENTS TO NOTE 3 (a) TO CHAPTER 85
AND TO THE TEXT OF SUBHEADING 8509.10

(Item II.A.25 on the Agenda)

Reference documents :

42.064 (HSC/21)
42.100, Annex IJ/19 (HSC/21 - Report)
42.451 (HSC/22)
42.750, Annex G/27 (HSC/22 – Report)

I. BACKGROUND

1. When the Committee examined the classification of the "Rainbow cleaning system" (HSC's 21st Session), some delegates pointed out a possible lack of alignment between the English and French versions of Note 3 (a) to Chapter 85 and the text of subheading 8509.10.
2. After examining this issue at its 22nd Session the Committee decided to submit it to the Review Sub-Committee for examination at its 19th Session, on the basis of a draft to be prepared by the Secretariat, taking account of delegates' comments at the 22nd Session.

II SECRETARIAT COMMENTS

3. The Secretariat recalls that it presented the following two alternatives in its initial proposal :
 - (1) Amendment of the French version alone, replacing the term "aspirateurs de poussières" by "aspirateurs";
 - (2) Amendment of the English and French, by replacing "vacuum cleaners" by "dry and wet vacuum cleaners" and "aspirateurs de poussières" by "aspirateurs de poussières et de matières liquides".

File No. 2717

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Definitions

4. The Secretariat draws the Sub-Committee's attention to the encyclopaedia definition of "vacuum cleaner" namely: "An electrically powered mechanical appliance for the dry removal of **dust and loose dirt** from rugs fabrics and surfaces" (McGRAW-HILL Encyclopedia of Science & Technology – 8th Edition) and "An electrical appliance for removing **dust** from carpets, other flooring, soft furnishings, etc., by suction" (The New Shorter Oxford English Dictionary). The International Electrotechnical Commission (world organization for standardization working closely with the ISO) also translates the French term "aspirateurs de poussières pour usage domestique" by "vacuum cleaners, for household use" in Standard IEC 60312.
5. The Secretariat also points out that the French term "**aspirateur**" is defined as follows in the French dictionary "Le Grand Larousse Universel": "Nom donné à divers appareils dont le rôle est d'aspirer les fluides (air, gaz, vapeurs, liquides, etc.) purs ou chargés de corps solides en suspension, les poussières (sciures, limailles, etc.); ce type d'appareil destiné au nettoyage des sols, des tentures, etc."
["The name given to various appliances designed to vacuum up fluids (air, gas, vapours, liquids, etc.), whether pure or containing solid bodies in suspension, dust (sawdust, filings, etc.); such appliances are intended to clean floors, upholstery, etc." - Translation]
6. According to these definitions, the English expression "vacuum cleaners" seems to correspond to the French expression "aspirateurs de poussières", and consequently the two versions appear perfectly aligned.

Delegates' comments

7. Despite the above-mentioned definitions of "vacuum cleaner", English-speaking delegates pointed out that this expression has a broader meaning and that it covers apparatus designed to vacuum not only dust, but also liquids and other dry matter such as glass waste or wood chips. This interpretation seems to have gained the Committee's tacit approval.
8. It was also pointed out that "traditional" vacuum cleaners are capable of vacuuming sucking up not only dust but also larger particles, and the current description in the French version (aspirateurs de poussières) might therefore be too restrictive and not reflect reality. It should also be noted that the French term "poussières" clearly does not correspond to the English term "dry".
9. Two additional variants were also proposed : (1) Vacuum cleaners, including dry and wet vacuum cleaners and (2) All-purpose vacuum cleaners.

Types of appliances on the market

10. According to the information obtained by the Secretariat, there currently appear to be three types of different cleaning appliances on the market :
 - (a) "Traditional" vacuum cleaners for dry vacuuming
 - (b) Cleaning appliances for sucking up water only (dirty water, soap suds, etc.)

- (c) "Mixed" machines for water **and** water suction (examined by the HSC).

Secretariat comments

11. The Secretariat would start by pointing out that the terms "vacuum cleaners" and "aspirateurs de poussières" already existed in the CCCN Nomenclature (as well as in the Geneva Nomenclature of 1937).
12. The Secretariat feels that the text to be chosen for the future depends on the Sub-Committee's replies to the following two preliminary questions :
- (a) The meaning to be given to the English expression "vacuum cleaners" (restrictive definition from the literature cited or a broader scope as suggested by delegates);
- (b) The scope of the amended subheading 8509.10. At the present time, the types of appliances mentioned in paragraphs 10 (a) and (c) above already fall in this subheading, especially given the Committee's classification decision on the "Rainbow cleaning system". However, according to Explanatory Note 85.09, page 1456, Part (B), Item (1), appliances for sucking up water only are not considered vacuum cleaners within the meaning of the HS and are classified in subheading 8509.80 on the basis of the current texts.

Use of the term "poussières" in the French version

13. With regard to the term "poussières" in the French version, the Secretariat accepts that because of their operating principle, vacuum cleaners do not only vacuum dust or other light particles in suspension, but can also remove (depending on their suction strength and the design of the accessories) heavier or larger matter as well as liquid or damp waste.
14. However, in its opinion "traditional" vacuum cleaners are still specifically designed for vacuuming dust, this term being interpreted in its broadest sense to cover various small dry particles such as filings, breadcrumbs, wood shavings or glass fragments, etc. In this respect, it should be noted that manufacturers' instructions normally warn against vacuuming heavy, hard or sharp objects or liquid or damp waste, which could damage the machine, or cause it to break down.
15. However, the Secretariat notes that cleaning machines have undergone various improvements and that some of the new-generation vacuum cleaners ("all-purpose" vacuum cleaners) are designed and fitted with accessories for many uses, while still intended for domestic use. This type of apparatus is designed to suck up, in addition to dust, various materials such as vegetable matter (e.g., leaves), wood chips, animal hair (these vacuum cleaners can also be used for grooming horses and cattle) and, sometimes, liquids.

Secretariat proposals

16. In the light of the above, the Secretariat feels that deletion of the word "poussières" in the French version (while maintaining the English version unchanged) could be envisaged, **provided that** the Sub-Committee accepts that the English term "vacuum cleaners" has a broad meaning as indicated in paragraph 7 (c) above. The variant "all-purpose vacuum cleaners" ("aspirateurs tous usages") could also be chosen.

17. However, the Secretariat points out that the French term "aspirateurs" taken alone (or qualified as "tous usages" (all-purpose)) as defined in paragraph 5, could cover the three categories of cleaning machines mentioned in paragraph 10, including appliances for sucking up water only (appliances for sucking up dirty water, currently mentioned in Part (B) of the Explanatory Note to heading 85.09).
18. The Secretariat therefore leaves it to the Sub-Committee to determine whether such an amendment would actually extend the scope of the present subheading 8509.10 and if such an extension is appropriate.
19. However, should the Sub-Committee opt for a restrictive interpretation of the term "vacuum cleaners" (encyclopaedia definition and scope attributed by the IEC), the alternative contained in paragraph 3 (2) above would apply. In this event, the variant proposed at the HSC's 22nd Session, namely "vacuum cleaners, including dry and wet vacuum cleaners", might be more appropriate as it explicitly specifies that "traditional" vacuum cleaners ("vacuum cleaners" "aspirateurs de poussière") fall in this subheading. The French terminology could be aligned on the IEC Standard ("aspirateurs de poussière, y compris les aspirateurs fonctionnant en présence d'eau ou à sec").
20. The various alternatives are set out at the Annex hereto.

III. CONCLUSION

21. The Sub-Committee is invited to determine whether Note 3 (a) to Chapter 85 and the text of subheading 8509.10 should be amended to align the two versions and/or to specify the scope and, if so, to rule on the text to be chosen from the various options set out at the Annex hereto.

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x x

ANNEXE

AMENDEMENT EVENTUEL DE LA NOTE 3 a) DU CHAPITRE 85

ET DU LIBELLE DU N° 8509.10 RELATIFS AUX

ASPIRATEURS

(Point II. A. 25 de l'ordre du jour)

ANNEX

POSSIBLE AMENDMENT TO NOTE 3 (a) TO CHAPTER 85

AND TO SUBHEADING 8509.10 CONCERNING VACUUM CLEANERS

(Item II. A. 25 on Agenda)

PROCEDURE DE L'ARTICLE 16
AMENDEMENTS DE LA NOMENCLATURE

CHAPITRE 85.

Note 3 a).

Première alternative

Remplacer "les aspirateurs de poussières" par "les aspirateurs".

ou

Remplacer "les aspirateurs de poussières" par "les aspirateurs tous usages".

Deuxième alternative

Remplacer "les aspirateurs de poussières" par ["les aspirateurs de poussières et de matières liquides"] ["les aspirateurs de poussières, y compris les aspirateurs [de matières sèches et de matières liquides] [fonctionnant en présence d'eau ou à sec]"].

N°8509.10.

Nouvelle rédaction :

Première alternative

"8509.10 - Aspirateurs"

ou

"8509.10 - Aspirateurs tous usages".

Deuxième alternative

"8509.10 - Aspirateurs de poussières et de matières liquides".

ou

"8509.10 - Aspirateurs de poussières, y compris les aspirateurs [de matières sèches et de matières liquides] [fonctionnant en présence d'eau ou à sec]".

ARTICLE 16 PROCEDURE
AMENDMENTS TO THE NOMENCLATURE

CHAPTER 85.

Note 3 (a).

First option

French text only.

or

Delete "Vacuum cleaners" and substitute "All-purpose vacuum cleaners".

Second option

Delete "Vacuum cleaners" and substitute ["Dry and wet vacuum cleaners"] ["Vacuum cleaners, including dry and wet vacuum cleaners"].

Subheading 8509.10.

First option

French text only.

or

Delete and substitute :

"8509.10 - All-purpose vacuum cleaners".

Second option

Delete and substitute :

"8509.10 - Dry and wet vacuum cleaners".

or

"8509.10 - Vacuum cleaners, including dry and wet vacuum cleaners".
